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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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02/05/2002

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 02/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,136

Applicant(s)

ELLENBERGER ET AL.

Examiner

Joseph C Rodriguez

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 26 and 28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Final Rejection

Applicant's arguments filed 12/21/01 have been fully considered but they are not persuasive for reasons detailed below.

The 35 U.S.C. 112 rejections are maintained or modified as follows:

Claims 1-17, 21-22 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's attempts to remedy the issues cited in the previous Office Action are appreciated. Applicant, however, has failed to correct all the previously cited defects and has introduced more defects via amendment. Thus, Applicant's claims remain indefinite as the claims are difficult to understand and nonsensical at times.

For example:

Regarding claim 1, the claim features appearing after the amended language "wherein the recognition device 40 monitors a region 44 by laser 42" appear as fragments, thus their relationship with each other is unclear. For instance, it is unclear what the symbol "-", which appears before each claim feature, is meant to denote. Are the features part of the recognition device, functional language associated with a specific element, or are the features even a part of the claimed invention?

Further, the numbering of claim elements must be done in parentheses, thus in the amended language cited above it should read "the recognition device (40)".

Further, claims 1 and claim 3 recite the limitation "the data processing plant" (ln. 14 and 17). There is insufficient antecedent basis for this limitation in the claims.

Regarding claim 3, the amended language "conveyed separately each other" renders the claim nonsensical.

Regarding claim 4, the language "each case" renders the claim nonsensical.

Regarding claims 9, 12, 21 and 27, the use of the double negative "a mutual distance not falling below a predetermined minimum value or a not lower time interval" also renders the claims nonsensical.

Claim 17 recites the limitation "the second recognition device" (ln. 5 from end). There is insufficient antecedent basis for this limitation in the claims.

The prior art rejections are maintained or modified as follows:

Claims 1, 2, 8, 17 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wortman in view of Lawandy et al. ("Lawandy") (US '805), Skinner, and Smith.

Wortman discloses a system and method for sorting laundry (Fig. 1) comprising a supply device (20), a recognition device (34), collection devices (114, 116, 118, 120, 122 and 124), transport devices (i.e., bands) (36 and 50), a data processing plant (42), and a register device which sends signals to the plant (54; col. 5, ln. 10-27), whereby each laundry piece is sorted based on the recognition device and associated control signals to a specific collection bin (ld.).

Wortman thus teaches all that is claimed except for expressly teaching the recognition device monitoring a region by laser and the use of blowers perpendicularly mounted for transferring the laundry pieces to the collection devices. Lawandy, however, teaches air jet sorting and laser imaging systems in a laundry sorting system (Fig. 7; para. 40). Moreover, these features are well-known equivalents to the diverter and imaging system taught by Wortman. See MPEP 2144.07. Skinner (68) and Smith (col. 6, ln. 4) reinforce this conclusion by also teaching laser imaging systems in laundry sorters. Further, air jets are well-suited for handling delicate articles such as laundry (Burson, col. 1, ln. 5-55). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Wortman as taught above.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wortman in view of Lawandy, Skinner, and Smith as applied to claims 1, 2, 8, 17 and 23-25 above, and further in view of Weiss.

Wortman in view of Lawandy, Skinner, and Smith as set forth above teach all that is claimed except for expressly teaching a registering device associated with each collection device. Weiss, however, explicitly teaches the use of predisposed sensors (i.e., photodetectors/register devices) for each receiving/collecting station (Abstract; col. 14, ln. 48 et seq.). Moreover, the use of sensors for each collecting station allows the sorter to better coordinate the release of each article into a collection station as well as assuring that an article is present (Id.). Therefore, it would have been obvious at the

time the invention was made to a person having ordinary skill in the art to modify the invention of Wortman, Lawandy, Skinner, and Smith as taught above.

Allowable Subject Matter

Claims 26 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicant's amendment necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion


Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C Rodriguez whose telephone number is 703-308-8342. The examiner can normally be reached on M-F during business hours, with alternate Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is 703-306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

January 31, 2002


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